



1 to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor  
2 the assignment will depend on whether the fees are subject to any offset allowed under the United  
3 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the  
4 government will determine whether they are subject to any offset.

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
6 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses  
7 and costs to be made directly to Counsel pursuant to an assignment executed by Plaintiff. Any  
8 payments made shall be delivered to Counsel.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
10 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or  
11 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
12 and all claims that Plaintiff and/or Counsel, including his firm, may have relating to EAJA attorney  
13 fees in connection with this action.

14 This award is without prejudice to the rights of Counsel to seek Social Security Act attorney  
15 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA .

16 Respectfully submitted,

17 Dated: February 13, 2023

18 By: /s/ Jesse Kaplan\*  
19 JESSE KAPLAN  
20 \*By email authorization on 2/9/23  
21 Attorney for Plaintiff

22 Dated: February 13, 2023


PHILLIP A. TALBERT  
United States Attorney

23 By: /s/ Marcelo Illarmo  
24 MARCELO ILLARMO  
25 Special Assistant United States Attorney  
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1 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act  
2 Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$6,616.25 as  
3 authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920, be awarded subject  
4 to the terms of the Stipulation. Furthermore, Plaintiff's motion for attorney fees (ECF 29) is denied  
5 as moot.

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7 IT IS SO ORDERED.

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9 Dated: February 14, 2023

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE